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Hearing Date: May 2, 2013
Hearing Time: 10:00 a.m.
Objection Deadline: May 1, 2013

Proposed Attorneys for the Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

HEALINC TELECOM, LLC,

Chapter 7

Debtor.

Case No. 13-10048 (SMB)

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**MOTION FOR ORDER DESIGNATING STANLEY SCHOENBACH
AS A PERSON INCLUDED, PURSUANT TO F.R.Bankr.P. 9001(5), WITHIN
THE TERM "DEBTOR"**

Richard E. O'Connell (the "Trustee"), by his proposed attorneys, Rich Michaelson Magaliff Moser, LLP, respectfully states as follows:

1. The Trustee is the Chapter 7 Trustee of Healinc Telecom, LLC. This case was commenced by the filing of an involuntary chapter 7 petition for relief on January 6, 2013, and an order for relief was entered on February 12, 2013 and the Trustee was subsequently appointed as the Chapter 7 Trustee on February 13, 2013. By this Application, the Trustee seeks an Order designating Dr. Stanley Schoenbach as a person included, pursuant to Bankruptcy Rule 9001(5), within the term "debtor," who shall attend any examination or perform any act that the Debtor is required by the Bankruptcy Code and Rules to attend or perform.

2. The duties of a debtor are set forth generally in Bankruptcy Code § 521 and Bankruptcy Rule 4002, and include, without limitation, the obligation to attend the § 341(a)

meeting and to appear for examination under Rule 2004; to prepare and file the schedules and statements required by Rule 1007; to disclose to the trustee promptly the identity and location of any property of the estate and the name and address of any person or entity holding such property; to turn over all property and records to the trustee; and to cooperate with the trustee in the trustee's administration of the estate.

3. Where the debtor is a corporation, Rule 9001(5) defines the word “debtor” to include, if designated by the Court,

...any or all of its officers, members of its board of directors, trustees, or of a similar controlling body, a controlling stockholder or member, or any other person in control...

The Debtor is a corporation, and this Court may therefore designate an officer, director or controlling person to perform the duties of the Debtor, in its capacity as a debtor.

4. This Court should designate Dr. Schoenbach to perform the duties of the Debtor. There is good cause to require that Dr. Schoenbach perform the duties of the Debtor. As the Debtor's apparent managing members, Dr. Schoenbach is presumably the person with the greatest knowledge of the Debtor's operations and of its assets and liabilities and his designation as the person responsible to perform the Debtor's duties will enable the Trustee me to proceed with the liquidation of the Debtor's properties without the delay that would necessarily ensue were Trustee compelled to determine the full extent of the Debtor's assets and liabilities without Dr. Schoenbach's assistance .

5. Bankruptcy Rule 9001(5) is clear and unambiguous in its grant of power to the Court to designate persons to act on behalf of a corporate debtor to perform its duties, and this motion does not present any legal issues that are likely to be disputed. Accordingly, it is requested that

the Court dispense with the requirement that a Memorandum of Law be filed in support of this Motion.

WHEREFORE, it is respectfully requested that the Court designate Dr. Stanley Schoenbach as a person included, pursuant to Bankruptcy Rule 9001(5), within the term “debtor”, who shall attend any examination or perform any act that the Debtor required by the Bankruptcy Code and Rules to attend or perform.

Dated: New York, New York
April 10, 2013

Rich Michaelson Magaliff Moser, LLP
Proposed Attorneys for the Trustee
340 Madison Avenue, 19th Floor
New York, New York 10173
212-220-9404
212-913-9642

By: /s/ Robert N. Michaelson
Robert N. Michaelson

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

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**AFFIRMATION OF SERVICE OF NOTICE OF, AND MOTION FOR ORDER
DESIGNATING STANLEY SCHOENBACH AS A PERSON INCLUDED, PURSUANT
TO F.R.Bankr.P. 9001(5), WITHIN THE TERM "DEBTOR"**

I am over the age of eighteen and am not a party to this action, On April 10, 2013, I
personally caused a copy of the prefixed

**NOTICE OF, AND MOTION FOR ORDER DESIGNATING STANLEY SCHOENBACH
AS A PERSON INCLUDED, PURSUANT TO F.R.Bankr.P. 9001(5), WITHIN THE
TERM "DEBTOR"**

upon (i) counsel to the debtor, Jonathan Pasternak, DelBello Donnellan Weingarten Wise &
Wiederkehr, LLP, One North Lexington Avenue, 11th Floor White Plains, New York 10601; (ii)
Dr. Stanley Schoenbach, 5000 Fieldston Road, Bronx, New York 10471; and (iii) the United
States Trustee, 33 Whitehall Street, 21st Floor, New York, New York 10004.

/s/ Robert N. Michaelson
Robert N. Michaelson